

conducting study of their need to classify, and if such need is found to exist, to make such fact known to the proper authority.

Recommendation No. 8.—The Commission recommends that the present restriction limiting original defense classification authority to agency heads in certain agencies should remain as at present subject to the proviso that, in the event of the incapacity or necessary absence of the agency head, the individual acting in his stead may exercise the classification authority.

Recommendation No. 9.—The Commission recommends that every effort should be made in each agency to reduce the number of employees having the authority to classify or to recommend classification.

Recommendation No. 10.—The Commission recommends that the executive agencies give particular attention to the requirements for fullest dissemination, consistent with national security, of scientific information and for fullest access, consistent with national security and the need to know, to such information by scientists or others who may request such information or access.

Recommendation No. 11.—The Commission recommends that all departments and agencies having original authority to classify documents under Executive Order 10501 should institute adequate document classification training programs for all personnel who originate or have responsibility for material which will require application of defense information classification.

Recommendation No. 12.—The Commission recommends that the executive departments and agencies review, in consultation with industry, their provisions for training in all aspects of document classification as they relate to industrial contractors, changing them whenever found necessary.

Recommendation No. 13.—The Commission recommends establishment of the Central Security Office having review and advisory functions with respect to the Federal document classification program and to make recommendations for its improvement as needed.

Recommendation No. 14.—The Commission recommends no specific legislation for uniform penalties for violation of classification statutes and agency regulation (sic.) at this time.

Recommendation No. 15.—The Commission recommends that, except for the review and advisory functions of the Central Security Office which require legislation, the document classification program should be embodied in an Executive order.

Recommendation No. 16.—The Commission recommends the adoption of the provisions of Executive Order 10501 except as changed and modified by the foregoing recommendations.

APPENDIX III

MODEL NATIONAL DEFENSE INFORMATION PROTECTION LEGISLATION

Report of the
(Prepared by the (Wright) Commission on Government Security, June 21, 1957)

A BILL To amend title 18, United States Code, to prohibit the unauthorized disclosure of certain information critically affecting national defense

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 37 of title 18 of the United States Code (relating to espionage and censorship) is amended by inserting at the end thereof the following new section:

"§ 799. Unauthorized disclosure of certain information affecting national defense

"(a) Whenever any information shall have been classified in conformity with the provisions of any Executive order promulgated by the President, as 'top secret', 'atomic top secret', 'secret', or 'atomic secret', it is unlawful for any person who has obtained such information to communicate any part thereof to any person who is not authorized by law, Executive order, or regulations promulgated pursuant to law or any Executive order, to receive such information. No communication of any such information made by any officer, employee, or member of any department, agency, or armed force of the United States, or any officer or employee of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, pursuant to authorization granted by the head of such department, agency, armed force, or corporation, to any member of the Congress, any joint committee of the Congress, any committee or subcommittee of the Senate or the House of Representatives, or

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any member of the staff of any such committee or subcommittee, shall be unlawful under this section.

"(b) Whoever, having obtained in any manner or by any means any information so classified, willfully communicates any part of such information in any manner or by any means to any person not authorized as prescribed by subsection (a) to receive such information, with knowledge or reason to believe that such information is so classified and that such person is not so authorized to receive such information, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

"(c) For the purposes of this section—

"(1) the term 'top secret' or 'atomic top secret' means any information affecting the national defense of the United States in such degree that its unauthorized disclosure could result in exceptionally grave damage to the Nation; and

"(2) the term 'secret' or 'atomic secret' means any information affecting the national defense of the United States in such degree that its unauthorized disclosure could result in serious damage to the Nation."

(b) The analysis of such chapter is amended by inserting at the end thereof the following new item:

"799. Unauthorized disclosure of certain information affecting national defense"

APPENDIX IV

CURRENT GOVERNMENT INFORMATION SECURITY CLASSIFICATION AND DECLASSIFICATION DIRECTIVES

EXECUTIVE ORDERS NOS. 11652 AND 11714

THE WHITE HOUSE, March 1, 1972.

EXECUTIVE ORDER NO. 11652

CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch.

Within the Federal Government there is some official information and material which, because it bears directly on the effectiveness of our national defense and the conduct of our foreign relations, must be subject to some constraints for the security of our Nation and the safety of our people and our allies. To protect against actions hostile to the United States, of both an overt and covert nature, it is essential that such official information and material be given only limited dissemination.

This official information or material, referred to as classified information or material in this order, is expressly exempted from public disclosure by section 552(b)(1) of title 5, United States Code. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

To insure that such information and material is protected, but only to the extent and for such period as is necessary, this order identifies the information to be protected, prescribes classification, downgrading, declassification, and safeguarding procedures to be followed, and establishes a monitoring system to insure its effectiveness.

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, it is hereby ordered:

SECTION 1. SECURITY CLASSIFICATION CATEGORIES

Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories, namely, "Top Secret," "Secret," or "Confidential," de-

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